

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
Provides for continued examination of a utility or plant  
Application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 10/802,254  
Filing Date: March 17, 2004  
First Named Inventor: Marc D. ETCHELLS  
Group Art Unit: 3761  
Examiner Name: Melanie Jo HAND  
Attorney Docket Number: 2186.005USU  
CUSTOMER NO.: 27.623

This is a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114 of the above-identified application.  
**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 153 (d) (PTO/SB/29) instead of RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (August 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114
- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on \_\_\_\_\_ (any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed filed on \_\_\_\_\_
- iii. Other \_\_\_\_\_
- b. XXXXX Enclosed
- i. XXXXX Amendment/Reply with transmittal
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS) and PTO-1449
- iv. Other \_\_\_\_\_
2. Miscellaneous
- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
- b. Other \_\_\_\_\_
3. Fees The RCE fee Under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
- a. XXXXX The Commissioner is hereby authorized to charge the RCE fee, two-month extension of time fee and any deficiency in fees, or to credit any overpayments to Deposit Account No. 01-0467 in the name of Ohlandt, Greeley, Ruggiero & Perle.
- i. XXXXX RCE fee (\$810.00) is required under 37 C.F.R. §1.17(e)
- ii. XXXXX Extension of Time fee (37 C.F.R. §§ 1.136 and 1.17) (two months \$490)
- iii. Other \_\_\_\_\_
- b. Check in the amount of \$\_\_\_\_\_ enclosed
- c. Payment by credit card (Form PTO-2023 enclosed)

April 21, 2009  
Date of Signature

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**CERTIFICATE OF FILING**

I hereby certify that this correspondence is being filed electronically, addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 21, 2009.

Lynn C. Wallach  
Name

Lynn C. Wallach  
Signature

April 21, 2009  
Date